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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	NO. 4:21-MJ-70416-MAG
)	
Plaintiff,)	STIPULATION TO CONTINUE STATUS
)	HEARING AND EXCLUDE TIME FROM
v.)	JUNE 11, 2021 TO JULY 9, 2021 AND ORDER
)	
NELSON ENRIKE RAMIREZ,)	
)	
Defendant.)	

It is hereby stipulated by and between counsel for the United States and counsel for the defendant Nelson Enrike Ramirez, that the status hearing scheduled for June 11, 2021 be vacated and rescheduled for July 9, 2021. The parties further stipulate that time be excluded under the Speedy Trial Act from June 11, 2021 through July 9, 2021 and, with the consent of the defendant, there is good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1.

The government has produced most of the discovery in the case, which counsel for the defendant needs additional time to review. The parties are also currently negotiating a stipulation regarding an attorney's eyes only protective, pursuant to which the remainder of the discovery will be produced. The parties are also discussing a potential resolution to the case. For these reasons the parties request that the status hearing be continued until July 9, 2021, and the government and counsel for the defendant

1 agree that time be excluded under the Speedy Trial Act, and the deadlines under Federal Rule of
 2 Criminal Procedure 5.1 be extended, so that defense counsel could continue to prepare, including by
 3 reviewing the discovery already produced. For this reason the parties stipulate and agree that excluding
 4 time until July 9, 2021 will allow for the effective preparation of counsel. *See* 18 U.S.C.
 5 § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding
 6 the time from June 11, 2021 through July 9, 2021 from computation under the Speedy Trial Act
 7 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A),
 8 (B)(iv).

9 The parties further stipulate that, with the consent of the defendant, there is good cause for
 10 extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for
 11 extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P.
 12 5.1; 18 U.S.C. § 3161(b).

13 The undersigned Assistant United States Attorney certifies that he has obtained approval from
 14 counsel for the defendant to file this stipulation and proposed order.

15
 16 IT IS SO STIPULATED.

17 DATED: June 10, 2021

 /s/
 NOAH STERN
 Assistant United States Attorney

19 DATED: June 10, 2021

 /s/
 JOHN PAUL REICHMUTH
 Counsel for Defendant NELSON ENRIKE
 RAMIREZ

22
 23
 24 **ORDER**

25 Based upon the facts set forth in the stipulation of the parties and for good cause shown, the
 26 Court vacates the status conference scheduled for June 11, 2021 at 1:00 p.m. and reschedules it for July
 27 9, 2021 at 1:00 p.m. The Court further finds that failing to exclude the time from June 11, 2021 through
 28

July 9, 2021 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from June 11, 2021 through July 9, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. For the same reasons, the Court finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from June 11, 2021 through July 9, 2021 shall be excluded from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1. 18 U.S.C. § 3161(h)(7)(A), (B)(iv); Fed. R. Crim. P. 5.1(d).

IT IS SO ORDERED.

DATED: June 10, 2021

